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*Attorneys for Defendant
Otto Trucking LLC*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

Waymo LLC,

Plaintiff,

v.

Uber Technologies, Inc.; Ottomotto LLC; Otto
Trucking LLC,

Defendants.

Case No. 3:17-cv-00939-WHA

**DECLARATION OF NEEL CHATTERJEE
IN SUPPORT OF OTTO TRUCKING'S
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL PORTIONS OF ITS
OPPOSITION TO WAYMO'S MOTION
TO EXCLUDE DAMAGES EXPERT
JAMES MALACKOWSKI**

Courtroom: 8 (19th Floor)
Judge: Hon. William Alsup
Trial Date: October 10, 2017

Filed/Lodged Concurrently with:
1. Admin. Mtn. to File Documents Under Seal
2. [Proposed] Order
3. Redacted/Unredacted Versions
4. Proof of Service

I, Neel Chatterjee, declare as follows:

1. I am a partner at the law firm of Goodwin Procter LLP, counsel of record for Defendant Otto Trucking LLC (“Otto Trucking”). I make this declaration based upon matters within my own personal knowledge and if called as a witness, I could and would competently testify to the matters set forth herein. I make this declaration in support of Defendant Otto Trucking’s Administrative Motion to File Under Seal Portions of Its Opposition to Plaintiff Waymo LLC’s Motion to Exclude Otto Trucking’s Damages Expert James Malackowski Pursuant to Rule 702 and *Daubert* (the “Opposition”).

2. I have reviewed the following documents and confirmed that the portions identified below merit sealing:

Document	Portions to Be Filed Under Seal	Designating Parties
Opposition	Highlighted portions	Otto Trucking (blue) Waymo (green)
Exhibit 1 to Chatterjee Declaration	Highlighted portions	Otto Trucking (blue) Waymo (green)
Exhibit 2 to Chatterjee Declaration	Entire Document	Otto Trucking

3. The above referenced portions of the Opposition, and Exhibits 1 and 2 to the Chatterjee Declaration highlighted in blue contain highly confidential, sensitive business information of Otto Trucking relating to terms of Otto Trucking’s agreements, corporate structure, and financial information. This highly confidential information is not publicly known, and its confidentiality is strictly maintained. I understand that if this information were made public, Otto Trucking’s competitors and counterparties would have insight into how Otto Trucking structures its business, allowing them to modify their own business strategy. Otto Trucking’s competitive standing could be significantly harmed.

4. The above referenced portions of the Opposition, and Exhibits 1 and 2 to the Chatterjee Declaration highlighted in green contain information that Waymo has designated

1 “Confidential” or “Highly Confidential – Attorneys’ Eyes Only” pursuant to the Protective Order
2 in this case. Otto Trucking states no position about whether the confidentiality designations are
3 appropriate. Otto Trucking anticipates that Waymo will file any necessary declarations to seal the
4 above information pursuant to Local Rule 79-5. 4.

5 5. Otto Trucking anticipates that Waymo will file any necessary declarations to seal
6 the above information pursuant to Local Rule 79-5.

7 6. Otto Trucking’s request to seal is narrowly tailored to those portions of the
8 Opposition and its supporting documents that merit sealing.

9 I declare under penalty of perjury under the laws of the United States that the foregoing is
10 true and correct. Executed this 22nd day of September, 2017 in Menlo Park, California.

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12 /s/ Neel Chatterjee
13 Neel Chatterjee
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